

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 15.01 AND CREATING CHAPTERS 15.03 AND 15.05 TO THE SANTA CRUZ COUNTY CODE TO REVISE THE METHODS FOR CALCULATING PARK LAND DEDICATION OR IN-LIEU FEES, CREATE PARKS AND RECREATION IMPACT FEES, AND ADJUST REPORTING AND TRUST ADMINISTRATION REQUIREMENTS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, the Board has determined that it is appropriate to amend Chapter 15.01 of the County Code and to add Chapters 15.03 and 15.05 to revise the methods for calculating park land dedication or in-lieu fees, create parks and recreation impact fees, adjust reporting and trust administration requirements, and make miscellaneous changes to the organization and wording of Chapter 15.01;

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

DRAFT

SECTION I

Sections 15.01.010, 15.01.020, 15.01.030 15.01.040, 15.01.050, 15.01.060, 15.01.070, 15.01.080, 15.01.090, 15.01.100, and 15.01.110 of the Santa Cruz County Code are hereby amended and Sections 15.01.120 and 15.01.130 are added to read as follows:

CHAPTER 15.01

PARK LAND DEDICATION OR FEES IN LIEU THEREOF

Sections

- 15.01.010 Purpose and Findings.**
- 15.01.020 Definitions**
- 15.01.030 General Requirements.**
- 15.01.040 Formula for Dedication of Land.**
- 15.01.050 Park Dedication Standards**
- 15.01.060 Park Site Review Process**
- 15.01.070 Fees In Lieu of Land Dedication.**
- 15.01.080 Formula for Calculation of Fees in lieu of Land Dedication.**
- 15.01.090 Procedure for Land Dedication or In Lieu Fee Determination**
- 15.01.100 Schedule for Land Dedication and Payment of In-Lieu Fee**
- 15.01.110 Use of In-Lieu Fees**
- 15.01.120 Exemptions**
- 15.01.130 Change of Site**

15.01.010 Purpose and Findings.

(A) The purpose of this chapter is to implement the park and recreation policies of the General Plan and Local Coastal Program by providing for the orderly development of local park and recreation facilities to serve the residential communities of the County.

(B) This chapter is adopted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the "Parks, Recreation and Public Facilities" element of the general plan of the county.

(C) This chapter provides an important element in the County programs to provide neighborhood and community parks conveniently located and accessible to serve local urbanized neighborhoods and centers of rural settlement.

(Ord. No.____)

15.01.020 Definitions

All terms used in this chapter shall be defined in the General Plan and Local Coastal Program.

(Ord. No. ____)

15.01.030 General Requirements

(A) As a condition of approval of a tentative subdivision map, the subdivider shall be required to dedicate land, pay a fee in-lieu thereof, or both for community, neighborhood and rural park or recreational purposes at the time and according to the standards and formula contained in this chapter. The requirement shall be determined by the Planning Director or the board of supervisors, as appropriate.

(B) The Santa Cruz County General Plan and Local Coastal Program establishes the following standards for functional parkland:

- In urban areas: 3 acres of Neighborhood Parks and 2 to 3 acres of Community Parks per 1,000 residents;
- In rural areas: 5 to 6 acres of Rural Park Land per 1,000 residents

(C) Government code Section 66477 limits the ability of the county in approving a subdivision map to requiring dedication of land, payment of in-lieu fees, or a combination of both, to the amount necessary to provide three (3) acres of parkland per one thousand persons unless existing park area within the county exceeds that standard in which case a higher standard not to exceed five acres per one thousand persons may be applied. Functional parkland within the County of Santa Cruz exceeds five acres per one thousand persons. Accordingly, the formula for dedication of land and the calculation of in-lieu fees set forth in this chapter shall be based on the standard of providing five acres of community/neighborhood parkland in urban areas and five acres of parkland in rural areas.

Ord. No. _____)

15.01.040 Formula for Dedication of Land.

(A) Where a park or recreation facility has been designated in or is consistent with policies and standards in the parks and recreation element of the General Plan of the County, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for neighborhood/community parks in urban areas or rural parks in rural areas that is sufficient in size and topography to meet that purpose.

(B) The amount of land per dwelling unit to be provided shall be determined pursuant to the following standards and formula:

$$A = 5 \times N/1,000$$

Where “A” is the park area required to be dedicated in acres and “N” is the average number of persons per household or unit according to the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of par 2 of Division 3 of Title 4.” (California Government Code Section 66477).

As an example, based on the 2016 American Community Survey 1-year Estimates, the average household size per residential unit in the County is 2.48. Therefore, the dedication requirement is .0124 acres or 540 square feet of parkland per dwelling unit.

(C) For purposes of this section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone.

(D) For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map.

(E) For planned Development Projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term “new dwelling unit” does not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

(F) Planned developments and real estate developments (as defined in Business and Professions Code Sections 11003 and 11003.1 and any successor provisions of the Business and Professions Code) which contain common open space areas usable for active

recreation purposes may receive park dedication credit to the extent that this land exceeds the normal common open space requirements for such Development Projects, the land meets the County's standards for usable public community, neighborhood or rural parkland as determined in the sole discretion of the Parks Director, and if it is determined that such credit is in the best interests of the County.

15.01.050 Park Dedication Standards

- (A) Lands to be dedicated as parkland shall be suitable, as determined in the sole discretion of the Parks Director in regard to location, topography, environmental characteristics and development potential as related to the intended use.
- (B) Lands to be dedicated as parkland shall be requirements in addition to, and not in lieu of, any setback or open space area required by the Zone District regulations.
- (C) Up to 25 percent of the land dedication requirement may be met by dedication of land within the 100-year floodplain if the County determines that (1) the site is appropriate as a park site under the provisions of SCCC 15.010.060, (2) that the land is suitable for park use, and (3) no permanent structures are required to be constructed thereon to use the land for its intended parkland purpose, excepting those described in subdivision (D) herein.
- (D) The dedicated land shall be delivered to the County as an improved parcel conforming to the off-site improvements required for the subdivision. Offsite improvements essential to the acceptance of land for dedication may include but are not limited to:
 - 1. Full street improvements and utility connections including, but not limited to street paving, traffic control devices, street trees, street lighting, curb, gutter and sidewalk to land which is dedicated pursuant to the provisions of this chapter;
 - 2. Necessary fencing
 - 3. Extension of utility lines;
 - 4. Drainage improvements;
 - 5. The provision of other minimal improvements which the County's Board of Supervisors determines to be essential to the acceptance of land for surrounding residential purposes.
 - 6. All land offered for parkland dedication shall have access to at least one improved public street. This requirement may be waived by the County if the County determines that public street access is unnecessary for the maintenance of the park area or use thereof by the public.
- (E) Offers to dedicate land are irrevocable pursuant to Government Code Section 7050.

Ord. No. _____)

15.01.060 Park Site Review Process

(A) The staff of the Parks, Open Space and Cultural Services Department shall prepare a Park Site Review Report as required by this subsection, whenever an application for one or more of the following permits or approvals is submitted in accordance with Chapter [18.10](#) of this Code for a parcel located within the “D” Combining District, and whenever the Parks Director, or a member of the Board of Supervisors acting pursuant to SCCC 13.10.418(A), determines that the parcel should be evaluated:

1. A building permit for a new single-family dwelling or a new second unit;
2. A coastal development permit for a new single-family dwelling or a new second unit;
3. A land division permit;
4. A commercial development permit;
5. A policy amendment; or
6. Any other development permit processed at Level V or greater.

(B) The Parks and Recreation Commission and Board of Supervisors shall review the Park Site Review Report to determine County policy regarding dedication and/or purchase of all or part of the site, payment of in-lieu fees, improvement of the site by the Applicant, or a combination of these.

(C) Park Site Review Factors. The Park Site Review Report shall analyze all of the following factors in regard to evaluating the suitability of a particular site for parkland purposes.

1. The topography, soils, drainage, access, location, and general utility of the land in the development and land available for dedication;
2. Whether the lands offered for dedication will substantially comply with the General Plan and the Local Coastal Program Land Use Plan, or identify suitable alternative park sites in the area;
3. The size and shape of the development and land available for dedication;
4. Whether dedications by owners of parcels contiguous to the parkland to be dedicated or acquired, or that are contiguous with existing public lands, may be coordinated in order to accomplish grouping of land that can maximize public benefit;
5. The area or local recreation or access facilities to be privately owned and maintained by the future residents of the development;
6. Proximity of the site to existing population centers;
7. The existing infrastructure and utilities on site, past and current structures on site, site history and potential hazards and potential remediation needed on the site;
8. The activities, programs and projects of other agencies that relate to the use of the site for park purposes;
9. Development needs or the nature of improvements required to make the site appropriate for park use or to develop to its full potential for park use.

10. Other factors specific to the site and surroundings that affect its suitability for park use;
11. Written recommendations from the Parks and Recreation Commission after review of the Park Site Review Report;

Ord. No. _____)

15.01.070 Fees in Lieu of Land Dedication.

(A) A fee in lieu of land dedication shall be required when:

1. Dedication is impossible, impractical or undesirable as determined by both the Planning Director and Parks Director, or the County Board of Supervisors, as appropriate; or
2. When the proposed subdivision contains fifty parcels of land or less.

(B) The determination by the County as to whether land shall be dedicated, or whether a fee shall be charged, or a combination of the two, shall be final.

Ord. No. _____)

15.01.080 Formula for Calculation of Fees in lieu of Land Dedication.

(A) General Formula. If either the Planning Director and Parks Director, or the Board of Supervisors determines that the dedication of land is not appropriate, the subdivider shall, in lieu of dedicating land, pay a fee equal to the estimated cost to the County of acquiring parkland with off-site improvements. The fee amount shall be the amount published in the County's general fee schedule at the time of final map or parcel map approval.

(B) Alternative Formula. If the subdivider objects to the County's fee schedule, the subdivider may request the County to obtain an appraisal by a qualified real estate appraiser of the fair market value of the land which the subdivider would otherwise be required to be dedicated according to Section 15.01.040 plus a twenty percent factor to provide for off-site improvements. The appraiser will be an MAI appraiser mutually agreed upon by the county and the subdivider. All costs required to obtain such appraisal shall be borne by the subdivider.

The fee computation shall be based on the fair market value of buildable land within the subdivision. For purposes of this chapter, buildable land is defined as typical subdivision acreage, with a slope of less than fifteen percent, and located in other than an area on which building is excluded because of flooding, easements, or other restrictions. For

purposes of determining fair market value pursuant to this subsection, the appraiser shall consider, among other things:

1. conditions of approval of the tentative map;
2. the general plan and zoning requirements for the area;
3. the location and site characteristics of the property; and
4. off-site and on-site improvements facilitating use of the property.

Ord. No. _____)

15.01.090 Procedure for Land Dedication or In Lieu Fee Determination

- (A) At the time of the approval or conditional approval of the tentative map, the approving body shall determine, after a report and recommendation from the Planning Director, whether land, or in-lieu fees or a combination of land and fees, shall be dedicated and/or paid by the subdivider, as applicable.
- (B) The report and recommendation from the Planning Director shall be supported by the recommendation from the Parks Director.
- (C) The approving body may approve, modify, or disapprove the recommendation of the Planning Director, provided however, any modification of the proposed recommended condition not previously considered by the Planning Director shall first be referred back to the Planning Director for a report and further recommendation. The Planning Director shall report back to the approving body within thirty days. After receipt and consideration of the report, or after thirty days have passed in the event no report is received, the approving body may adopt the condition.
- (D) The recommendation of the Planning Director shall include the following:
1. the amount of land required; or
 2. that a fee be charged in lieu of land; or
 3. that a combination of land and a fee be required; and
 4. the location of the parkland and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees; and
 5. the approximate time when the development of the park or recreation facility shall commence.

Ord. No. _____)

15.01.0100 Schedule for Land Dedication and Payment of In-Lieu Fee.

At the time of the recording of the Final Map or Parcel Map, the subdivider shall dedicate the land and/or pay the fees as determined by the County. At the discretion of the County, fees may be required to be paid prior to issuance of any building permit for any structure in the subdivision instead of at the time of recording of the Final Map or Parcel Map.

Ord. No. _____)

15.01.110 Use of In-Lieu Fees.

(A) Fees determined pursuant to Subsection 15.01.050 of this Chapter shall be paid to the County and shall be deposited into the County Parks Subdivision Park Dedication Fund or its successor, except for areas within a Recreation District where fees shall be deposited into the Subdivision Park Dedication Fund for that Recreation District or their successors. Money in these funds, including accrued interest, shall be expended solely for acquisition or development of park land or improvements related thereto. Collected fees shall be appropriated or paid for a specific project to serve residents of the subdivision in a budgetary year within five years upon receipt of payment or within five years after the issuance of building permits on one-half of the lots created by the subdivision, whichever date occurs later.

(B) If such fees are not committed, these fees shall be distributed and paid to the then recorded owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

(C) The Parks Director shall report to the Board of Supervisors at least annually on income, expenditures and status of the County Parks Subdivision Park Dedication Fund.

Ord No. _____)

15.01.120 Exemptions

The provisions of this Chapter do not apply to non-residential subdivisions, and do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

(Ord. No. _____)

15.01.130 Change of Site

If, during the ensuing time between dedication of a parcel land for park purposes and commencement of first stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), that parcel of land may be sold upon the approval of the Board of Supervisors with the resultant funds being used for purchase of the more suitable site.

(Ord. No. _____)

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SECTION II

Sections 15.03.010, 15.03.020, 15.03.030, 15.03.040, 15.03.050, 15.03.060, 15.03.070, 15.03.080, 15.03.090, and 15.03.100 of the Santa Cruz County Code are hereby added to read as follows:

CHAPTER 15.03

PARKS AND RECREATION DEVELOPMENT IMPACT FEES

Sections

- 15.03.010 Findings and purpose.**
- 15.03.020 Scope.**
- 15.03.030 Definitions.**
- 15.03.040 Requirement of fees or exactions for permits.**
- 15.03.050 Exemptions.**
- 15.03.060 Purpose and use of fees and exactions.**
- 15.03.070 Amounts and standards for fees and exactions.**
- 15.03.080 Timing of payment.**
- 15.03.090 Trust administration.**
- 15.03.100 Refunds.**

15.03.010 Findings and purpose.

The Board of Supervisors of the County of Santa Cruz hereby finds and declares as follows:

- (A) This chapter is adopted under the police power of the County of Santa Cruz and pursuant to the authority of Article XI, Sections 5 and 7 of the California Constitution, Chapter 5 of Division 1 of the Government Code ("Mitigation Fee Act"), commencing with Section 66000, collectively and separately.
- (B) California Government Code Section 66000 et seq. allows local governments to impose impact fees on New Development in order to recover the cost of improvements that are needed to serve that New Development.

- (C) The Parks, Recreation, and Public Facilities Element of the County General Plan and Local Coastal Program includes objectives, policies, and programs requiring the establishment a system of regional, community, neighborhood and rural parks, open spaces, trails, and coastal access facilities to serve residents, employees and visitors to Santa Cruz County.
- (D) The County's General Plan and Local Coastal Program Land Use Plan include policies which require that development proceed in a manner consistent with the provision of adequate services.
- (E) In compliance with Government Code Sections 66001 (a)(1) and (a)(2), the Board of Supervisors hereby identifies that the purpose of the parks and recreation development impact fee is to mitigate the demand for additional park and recreation facilities in the County generated by new development and to implement the park and recreation policies of the County General Plan and Local Coastal Program. The intent of this chapter is not to raise general revenues. Instead, the intent is to secure funds to meet the demand for new parks and recreational facilities created by New Development, new residents, employees and visitors.
- (F) The County desires to establish a parks and recreation development impact fee schedule that will ensure that all new private development pays its fair share cost to enable the County to continue to provide its current level of park service and cover the marginal cost of acquiring land for parks and constructing recreation facilities that are needed to serve the demand generated by New Development.
- (G) In accordance with Section 66001, subdivision a, paragraph 2 of the Mitigation Fee Act, the fees collected pursuant to this ordinance shall be used to acquire land for parks and to construct capital improvements, such as playing fields, trails, and other recreational facilities throughout the County, and shall be used to fund administrative costs associated with the parks and recreation development impact fee program.
- (H) Pursuant to the Mitigation Fee Act, a technical report – "Parks and Recreation Development Impact Fee Study" - has been prepared and approved by the Board of Supervisors in support of establishing parks and recreation development impact fees to mitigate the additional demand for additional park land and recreation capital facilities.

In compliance with Government Code Sections 66001, the Board of Supervisors hereby determines that there is a reasonable relationship between the fee's use and the type of Development Project upon which the fee is imposed, as follows: The fee shall be imposed upon residential and nonresidential Development Projects because New Development adds new residents, new employees and accommodates new visitors. And, it has been demonstrated through a park intercept study conducted by the County that County parks serve a broad population, including residents of the County, people who work in the County, and visitors to the County.

- (I) In accordance with Section 66001, subdivision a, paragraph 4 of the Mitigation Fee Act, the Parks and Recreation Development Impact Fee Study demonstrates that there is a reasonable relationship between the amount of the Park and Recreation Development Impact Fees and the cost of park facilities attributable to the development upon which the fee is proposed.
- (J) A developer voluntarily choosing to create New Development will increase the demand for additional parkland and recreational facilities throughout the County. County policies require that New Development mitigate the resulting adverse impact on the park system, in the form of increased demand for park and recreation facilities generated by cumulative development as a condition of project approval. New Development benefits by virtue of the value of new park and recreation facilities and increased recreation opportunities to persons residing in, employed at, doing business or visiting in such New Development, and hence County policy requires such New Development to pay its fair share of the costs through an assessment of fees or exactions reasonably related to the increased demand for new parkland and recreational facilities use that development is likely to create over its useful life.
- (K) Park and recreation fees are necessary to enable New Development to pay for the increasing costs of the County's system of neighborhood, community, rural and regional parks, open spaces, trails and coastal access facilities on a marginal cost basis. The fees established by this chapter are consistent with the County General Plan and Local Coastal Program, and Government Code Sections 65913 through 65913.8 and 66000 through 66009, including those provisions thereof which involve the housing needs described in the Housing Element of the County General Plan.

[Ord. _____].

15.03.020 Scope.

This Chapter establishes parks and recreation development impact fees to expand the County's system of parks and recreation facilities through an assessment on new Development Projects authorized through the approval of building permits for commercial and residential development in the unincorporated portions of the County of Santa Cruz.

This Chapter further provides for the establishment of five separate parks and recreation trust funds ("Mitigation Fee Act Park Dedication Funds") to receive the collected revenue and authorizes the Board of Supervisors to establish by resolution the amount of the fees to be assessed, subject to periodic review and adjustment. This Chapter shall apply to all private development excluding exemptions identified in subsection 15.03.050.

[Ord. _____].

15.03.030 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

“Accessory Dwelling Unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, as defined under Section 13.10.700.

“Affordable Housing” shall mean housing with recorded affordability covenants that restrict the occupancy of the homes to Very Low, Low, and Moderate Income Households, and limit the price/rent of the housing.

“Applicant” means any person or other legal entity which allies to the County for approval of a Development Project.

“Development Project” means a proposal for the development, or use of land, as defined in the Mitigation Fee Act, requiring the granting of an entitlement, whether residential, nonresidential or both, within the land use jurisdiction of the County of Santa Cruz. A Development Project includes (without limitation) a minor land division, subdivision, building permit, commercial or residential development permit, permit for a phased project, permit for conversion of an existing use to a different use, and permit for expansion of a use.

“Fee” means a park and recreation development impact fee imposed by the County in accordance with this chapter.

“Livable Square Footage” shall mean habitable floor area as defined by County Planning Department and under Section 13.10.700

“Mitigation Fee Act Park Dedication Fund” means one of the trust funds to which park and recreation development impact Fees collected from Development Projects will be deposited. There is one specific Mitigation Fee Act Park Dedication Fund for each Recreation District, and one County Parks Mitigation Fee Act Park Dedication Fund for Development Projects located outside of any of the four Recreation Districts or incorporated cities.

“New Development” shall mean any private Development Project that creates net additional square footage. With respect to residential development, “New Development” shall mean the creation of net additional Livable Square Footage, which excludes the square footage of garages. With respect to non-residential development, “New Development” shall mean any private development that creates net additional gross building area, excluding garage square footage.

“Recreation District” shall mean any one of four independent park and recreation districts within Santa Cruz County including the Boulder Creek Recreation District, the Alba Recreation District, the Opal Cliffs Recreation District and the La Selva Beach Recreation District.

[Ord. _____].

15.03.040 Requirement of Fees or exactions for permits.

- (A) General. Unless otherwise exempted, each Applicant for County approval of a Development Project shall pay a parks and recreation development impact Fee or exaction (including, without limitation, payment of a Fee, or arrangement of an approximately equivalent exaction) in the manner and amount determined from time to time by resolution of the Board of Supervisors.
- (B) The obligation to pay impact Fees pursuant to this chapter shall not replace an Applicant’s obligation to mitigate the Development Project’s impacts in accordance with other requirements of state or local law.
- (C) New Residential Dwelling Units or Parcels. The Fee or exaction for a new residential dwelling unit or parcel shall be imposed on a per-Livable Square-Foot basis as established for the appropriate category of use in the currently applicable unified fee schedule.
- (D) New Residential Additions. The Fee or exaction for a residential addition which will create additional Livable Square Footage shall be charged on the addition only for each additional –Livable Square-Foot based on the Fee as established for the appropriate category of use in the currently applicable unified fee schedule.
- (E) New Nonresidential Development. The Fee or exaction for a new non-residential development shall be imposed on a per-square-foot of gross building area basis as established for the appropriate category of use in the currently applicable unified fee schedule.
- (F) New Nonresidential Additions. The Fee or exaction for nonresidential additions shall be imposed on the addition only for each additional square foot of new nonresidential space based on the Fee for the appropriate category of use in the currently applicable unified fee schedule.

(Ord. ____)

15.03.050 Exemptions.

The following exemptions from the requirements for Fees and exactions imposed pursuant to SCCC 15.02.040 shall apply:

- (A) Affordable Housing projects that are deed restricted to ensure the units are affordable to and occupied by households whose incomes are at or below 80% of the Area Median Income (as established by HUD and adopted in the Santa Cruz County Affordable Housing Guidelines). The term of affordability must be no less than 55 years with public financing in place to ensure compliance with affordability requirements.
- (B) The repair, remodel, modification, reconstruction or replacement of a residential or nonresidential building substantially equivalent to the preexisting building, provided that no additional square footage is added.
- (C) Public Projects. Projects undertaken by a public agency except projects undertaken by a private developer on public property, and except property not used exclusively for a governmental purpose.
- (D) Project with Complete Application on Effective Date of Ordinance. Projects for which an application for a permit was complete prior to the effective date of the ordinance codified in this section, except for any project which is required to comply with these measures pursuant to the provisions of a development agreement.
- (E) Temporary Mobile Home Occupancy. The temporary occupancy of a mobile home not situated in a mobile home park.
- (F) Approved projects that have a Development Agreement or Vesting Tentative Map, unless the provisions of the documents allow the application of such Fees. A credit will be given against this Fee for the actual cost of public parks included in a development.
- (G) Accessory Dwelling Units with less than 750 square of Livable Square Footage.

(Ord.____)

15.03.060 Purpose and use of Fees and exactions.

- (A) In compliance with Government Code Sections 66001 (a)(1) and (a)(2), the Board of Supervisors hereby identifies the purpose of the Fee and the use to which the Fee is to be put, as follows: All park and recreation Fees or exactions imposed as mitigation measures pursuant to this Chapter shall be used for the purpose of expanding the park and recreation facilities in the County of Santa Cruz in order to mitigate the demand generated by New Development.

- (B) Parks and recreation development impact Fees and exactions collected under this Chapter shall be used to fund the acquisition of land and construction of improvements for neighborhood, community, rural and regional parks, open spaces, trails, and coastal access facilities in order to mitigate the marginal demand created by New Development.
- (C) In compliance with Government Code Sections 66001(a)(3) and (a)(4), the Board of Supervisors hereby determines that there is a reasonable relationship between the Fee's use and the type of Development Project upon which the Fee is imposed, and between the need for park and recreation facilities and the type of Development Project upon which the Fee is imposed, as follows: The Fee shall be imposed upon residential and nonresidential Development Projects because New Development adds new residents, new employees and accommodates new visitors. And, it has been demonstrated through a park intercept study conducted by the County that County parks serve a broad service population, including residents of the County, people who work in the County, and visitors to the County.

[Ord. _____].

15.03.070 Amount and standards for Fees and exactions.

- (A) Amount of Monetary Fee.
1. In compliance with Government Code Section 66001 (b), the Board of Supervisors hereby determines that there shall be a reasonable relationship between the amount of any Fee or exaction imposed as a mitigation measure pursuant to this chapter and the cost of additional park and recreation facilities reasonably attributable to the development on which the Fee is imposed. This shall be accomplished by determining the costs of acquiring parkland and developing facilities projected to be needed as a result of development authorized under the County General Plan and Local Coastal Program.
 2. The specific amount of monetary Fees or exactions for park and recreation facilities shall be established annually by resolution of the Board of Supervisors and made a part of the County's unified fee schedule.
 3. The applicable Fee shall be the Fee published in the County's master fee schedule at the time that the Applicant submits a building permit application.
 4. The Fee shall be adjusted annually for inflation using the Engineering News-Record Construction Cost Index or its equivalent.
 5. Every five years, the Board of Supervisors shall review the park and recreation improvement Fees to determine whether the Fee amounts are reasonably related to the

impacts of New Developments and whether augmentation of County's park system is still needed.

6. Every five years, the Board of Supervisors shall review and adjust the parks and recreation development impact Fees to represent changes in the estimated cost of augmenting the park system to be financed by such Fees, and the reasonable relationship between the park and recreation needs and the impacts of the various types of development for which application is pending or projected under the County General Plan and Local Coastal Program and for which the park and recreation Fees and exactions are imposed.

(B) Alternative Exaction and Credits.

Upon approval by the Board of Supervisors, a Development Project may satisfy the requirement for the payment of the parks and recreation development impact Fee by agreeing to dedicate land for parks, participate in the construction or establishment of park and recreation facilities, or a combination thereof. Such participation shall, by type and cost, bear a reasonable relationship to the Fee required, as determined by the Parks Director. Construction cost indices, prevailing wage rates, and the best available index of costs of equipment and supplies shall be utilized to determine the level of participation needed to satisfy the Fee otherwise required.

(Ord.____)

15.03.080 Timing of payment

The parks and recreation development impact Fees owed by New Development shall be paid in full prior to the issuance of the building permit required for that unit of development.

[Ord____.].

15.03.090 Trust administration.

- (A) Fees or exactions collected as mitigation measures pursuant to this chapter, along with any interest earned thereon, shall be held in five (5) separate Mitigation Fee Act Park Dedication Funds, corresponding to five different geographic areas within the county. The trust funds will be maintained by the County Auditor-Controller in trust for park and recreation purposes. Funds collected in each of the four (4) Recreation Districts will be administered by the County Auditor-Controller and transferred to each recreation and park district upon request.

- (B) Funds in the County Parks Mitigation Fee Act Park Dedication Fund shall be administered by the Department of Parks, Open Space, and Cultural Services, with the approval of the Board of Supervisors, and shall be administered in compliance with Government Code Section 66006.
- (C) Every five years, the Board of Supervisors shall identify the augmentation of the park and recreation system which may be funded by the Fees or exactions collected. Funds in the Countywide Park and Recreation Trust Fund may be expended only for those purposes identified and expressly authorized by the Board of Supervisors, acting in its discretionary capacity. All expenditures from the trust fund shall be deemed to have been made from the Fees and/or exactions collected earliest in time. The five year report shall include the purpose to which the Fee is to be put; demonstrate a reasonable relationship between the Fee and the purpose for which it is charged; identify all sources and amounts of funding anticipated to complete target eligible improvements; designate the approximate dates on which the additional funds sufficient for completing the target eligible improvements are expected to be deposited into the account.
- (D) The Department of Parks, Open Space, and Cultural Services shall make an annual report to the Board of Supervisors within 180 days after the last day of the fiscal year which will include at a minimum;
- a. A description of the type of the Fee and the amount of the Fee
 - b. The beginning and ending balance of the fund
 - c. The amount of Fees collected and interest earned
 - d. Identification of the improvements constructed
 - e. The Fees expended to construct the improvement
 - f. The percentage of total costs funded by the Fee
 - g. The approximate date by which any construction of public improvement will commence if the County determines that there is sufficient funds to complete an incomplete public improvement
 - h. A description of each interfund transfer or loan made from the account

Such annual report shall also analyze whether any Fee or portion thereof remains unexpended or uncommitted five or more years after the deposit thereof and if such Fee or portion thereof does so remain, the annual report shall identify the purpose to which the Fee is to be put and demonstrate a reasonable relationship between the Fee and the purpose for which it was charged. The Board of Supervisors shall annually review such report and make findings as to its accuracy. Additionally, the Board of Supervisors shall annually, as part of its budget process, or otherwise, budget or appropriate all Fees collected for various park and recreation capital facility expenditures, which shall cause such Fees to be deemed committed.

[Ord. _____].

15.03.100 Refunds.

- (A) If a development approval is vacated or voided effective as of the date of its approval, and not if it is revoked, and if the County has collected park and recreation impact Fees or exactions therefor, upon the request of the Applicant, the Board of Supervisors shall order the Fees or exactions returned to the Applicant, exclusive of land dedication.
- (B) Fees or exactions collected pursuant to this chapter which remain unexpended or uncommitted five or more years after their deposit may be refundable pursuant to Government Code Section 66001(e), with interest accrued.

[Ord _____].

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SECTION III

Sections 15.05.010, 15.05.020, 15.05.030, 15.05.040, and 15.05.050 of the Santa Cruz County Code are hereby added to read as follows:

CHAPTER 15.05

TRAIL AND BEACH ACCESS DEDICATION, STANDARDS AND REVIEW

Sections

- 15.05.010 Purpose.**
- 15.05.020 Amendment**
- 15.05.030 Trail and Beach Access Dedication**
- 15.05.040 Trail and Beach Access Standards**
- 15.05.050 Trail and Beach Access Review Process**

15.05.010 Purpose

The purpose of this chapter is to implement the trail and beach access dedication, standards and review policies of the General Plan and Local Coastal Program Land Use Plan by providing for the orderly development of trail and beach access facilities to serve the residential communities of the County. It is the intent of the County to assure the continued availability of adequate trail and beach access facilities concurrent with the anticipated population increases and the reduction in other forms of open space lands in the urban and rural areas of the County.

This chapter provides an important element in the County programs to provide trails and beach access facilities conveniently located and accessible to serve local urbanized neighborhoods and centers of rural settlement; to establish a Countywide system of hiking and equestrian trails to provide access to various parks, recreation areas, riparian corridors, beaches, and open space areas; to provide for public access and use of the coastal beach and bluff areas; and to protect existing accessways and trails that have been used by the public. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982].

15.05.020 Amendment

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program.

When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 SCCC and shall be subject to approval by the California Coastal Commission. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982].

15.05.030 Trail and Beach Access Dedication

(A) Trail and Beach Access Dedication. As a condition of approval for any permit for a residential, commercial, or industrial project, an owner shall be required to dedicate an easement for trail or beach access if necessary to implement the General Plan or the Local Coastal Program Land Use Plan, and only if the requirement for dedication complies with California Government Code Sections [65909](#)(a) and [66475](#).4(b), and 66478.1 et seq. for land divisions. [Ord. 4836 § 119, 2006;* Ord. 4396 § 3, 1995; Ord. 4346 § 64, 1994; Ord. 4318 § 1, 1994; Ord. 3684 § 1, 1985; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].

* Code reviser's note: Ord. 4836 had two sections numbered "119."

15.05.040 Trail and Beach Access Standards

(A) Trails.

1. Where dedication is required for public access, the following minimum requirements shall apply:
 - a. Shoreline access easements shall be a minimum of five feet wide.
 - b. Easements along proposed trail corridors or adopted trail corridors, or for blufftop lateral access, shall be a minimum of 10 feet wide.
2. The County may require a wider easement if necessary to accommodate the intended type and level of use.
3. Trail easements may be located within open space areas required by the zone district regulations. Where a trail easement is required on developable land, this land

shall be used in calculating the number of dwelling units allowed. Trail easement dedication requirements shall be in addition to any parkland dedication requirements.

(B) Lateral Access.

1. Beach lateral access easements shall include the entire sandy beach area, and shall include the area up to the first line of terrestrial vegetation or up to the base of the bluffs, or if a seawall is present, up to the base of the seawall.
2. Beach lateral access easements shall be in addition to any other dedication or setbacks or open space areas required by the zone district regulations and shall not be used in calculating the dwelling units allowed. [Ord. 4496-C § 78, 1998; Ord. 3684 § 2, 1985; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].

15.05.050 Trail and Beach Access Review Process

(A) Public Access Review. Dedication of an easement for public access shall be required if adverse environmental impacts and use conflicts can be mitigated, as determined by the decision-making body, and if one of the following situations exists:

1. The parcel is designated as primary public shoreline access or as a location appropriate for neighborhood shoreline access in the Local Coastal Program Land Use Plan as adopted and amended at the time of the decision on dedication.
2. Dedication is required to protect established access which has been in long and continuous use by members of the public. Such use shall be determined by the decision-making body based upon public testimony.
3. The parcel is located within the Urban Services Line, and:
 - a. It is between the first public roadway and the shoreline, and there is no dedicated public access to the shoreline within 650 feet; or
 - b. It is inland of the first public road and residents have been using the property to gain access to the shoreline. Such use shall be determined by the decision-making body based on public testimony.
4. The parcel is located outside the urban services line, is between the first public road and the shoreline, and either (a) there is no dedicated public access to the shoreline within one-half mile; or (b) there is no other dedicated public access and the beach is less than one-half mile long.

5. The parcel is located within a designated trail corridor on the Local Coastal Program land use maps, or along an adopted trail route.
6. If the parcel is located on the shoreline, dedication of an easement for lateral beach or blufftop access shall also be required. [Ord. 4772 § 4, 2004; Ord. 3596 § 1, 1984; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].

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